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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/765,720

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Gilad Odinak

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08/25/2006

BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE, WA 98104

EXAMINER

ZEWARI, SAYED T

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/765,720	Applicant(s) ODINAK, GILAD	
	Examiner Sayed T. Zewari	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/8/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5 and 6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 5 and 6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Art Unit: 2617

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Response to Amendment

2. Applicant's arguments filed on 5/8/2006 have been fully considered but they are not persuasive.

3. The applicant's features in the claims wherein a computer program product residing on a phone embedded in a vehicle for performing communicating with a personal mobile phone and using its service plan, reads on Shah as follows:

4. Shah discloses a method and thus a computer program product that detects, setup communication and communicates with a personal mobile or embedded phone and uses its service plan.

5. Applicant argues ***"Shah's mobile phone detects the presence of the phone embedded in the vehicle, while Applicant's method teaches using the phone embedded in the vehicle to detect the presence of the mobile phone."*** This argument is not persuasive. The personal mobile phone and the embedded phone in the car are mobile phones. A program product included in the mobile to perform some actions can very well be incorporated in the phone embedded in the car to perform the same actions. Applicant further argues ***"It is additionally not seen how Shah discloses a computer program product residing on a phone embedded in a vehicle if at least part of the method is performed by the mobile phone."*** This

argument is also not persuasive. Shah discloses a system wherein the personal mobile and the phone embedded in the car share services. It would be obvious to those skilled in the art that the computer program product running on the personal mobile can very well be running, in one embodiment, on the embedded phone.

6. Applicant argues ***“Shah does not disclose receiving a mobile subscriber identification number from detected phone, as claimed by the Applicant.”*** The argument is not persuasive. It would be obvious to those skilled in the art that receiving identification number of phone is an inherent part of call setup.

7. Applicant argues ***“Shah fails to disclose that verification of the identity authentication code can be performed by the phone embedded in the vehicle.”***

This argument is also not persuasive. Shah discloses a system wherein the personal mobile and the phone embedded in the car communicates with each other and the network and share services. It would be obvious to those skilled in the art that the computer program product running on the personal mobile can very well be running, in one embodiment, on the embedded phone and perform verification of the identity authentication code which is an inherent part of communication setup.

8. Therefore, shah discloses all the limitations of the claims of the applicant.

DETAILED ACTION

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 5 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Shah (US 2002/0,068,543).

With respect to claim 5, Shah discloses a computer program product residing on a phone embedded in a vehicle (**See Shah's section [0008], [0026]**) for performing a method for automatically using a service plan of a personal mobile phone over the phone embedded within the vehicle (**See Shah abstract, section [0002], [0003], [0015], [0016], [0055], [0046], and [0047]**). Shah further discloses the method comprising: detecting the presence of the personal mobile phone (**See Shah section [0055], [0046], and claims 3 and 4**); receiving a mobile subscriber identification number from the detected phone (**See Shah section [0047], [0048], where Shah discusses detection and authentication**); sending the mobile subscriber identification number to a wireless network authority; sending an authentication request to the personal mobile phone; receiving a confirmation of the authentication; sending the

confirmation of the authentication to the wireless network authority (**See Shah section [0047], [0048], [0049], [0050], and [0051] where Shah discusses detection, synchronization, and authentication signaling**); ending communication between the personal mobile phone and the embedded phone (**See Shah section [0052], [0055]**); and opening a communication session with the wireless network based on the sent confirmation (**See Shah section [0047], [0048], [0049], [0050], and [0051] where Shah discusses synchronization and authentication**).

With respect to claim 6, Shah discloses a computer program product residing in a phone embedded within a vehicle (**See Shah abstract, section [0008], [0026], [0046], and [0054]**), the computer program product comprising: a first component for detecting the presence of a personal mobile phone (**See Shah section [0055], [0046], and claims 3 and 4, where a component is a program module performing a specific task**); a second component for receiving a mobile subscriber identification number from the detected phone (**See Shah section [0047], [0048], where Shah discusses detection and authentication**); a third component for sending the mobile subscriber identification number to a wireless network authority; a fourth component for sending an authentication request to the personal mobile phone; a fifth component for receiving a confirmation of the authentication request; a sixth component for sending the confirmation of the authentication request to the wireless network authority (**See Shah section [0047], [0048], [0049], [0050], and [0051] where Shah discusses detection, synchronization, and authentication signaling**); a seventh component for ending communication between the personal mobile phone and the embedded phone (**See**

Shah section [0052], [0055]]; an eighth component for opening a communication session with the wireless network based on the sent confirmation (**See Shah section [0047], [0048], [0049], [0050], and [0051] where Shah discusses synchronization and authentication**).

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

11. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. The following prior arts made of record and not relied upon are considered pertinent to applicant's disclosure.

13. Yamamoto U. S. Patent Publication No. 2002/0,142,803 discloses a mobile communication terminal and care mounted electronic device.

14. Reed et al. U. S. Patent No. 4,876,710 discloses a method and apparatus for cordless microphone communication system.

15. Kinnunen U. S. Patent publication No. 2002/0,173,347 discloses a hand free operation of mobile terminal using wireless communication link.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sayed T. Zewari whose telephone number is 571-272-6851. The examiner can normally be reached on 8:30-4:30.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sayed T. Zewari

August 21, 2006


LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER